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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,729	11/13/2002	Ronald M. Buswell	BUR920020006	6166

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HOFFMAN WARNICK & D'ALESSANDRO, LLC
3 E-COMM SQUARE
ALBANY, NY 12207

EXAMINER

DOAN, DUYEN MY

ART UNIT PAPER NUMBER

2143

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,729

Applicant(s)

BUSWELL ET AL.

Examiner

Duyen M Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Detail Action

Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, -8, 10-17, 19, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Watkins et al us 2002012087 (hereinafter Watkins).

As regarding claim 1, Watkins discloses a client-server text messaging (CSTM) monitor installed on a computer system, the monitor configured to monitor a CSTM server for commands posted thereto (pg.3, paragraph 37); and a management program installed on the computer system which is responsive to the commands (pg.3, paragraph 37, pg.2 paragraph 22, exchange instant messages with particular subscribers).

As regarding claim 2, Watkins discloses the CSTM monitor and server are configured to function according to Internet relay chat protocol (pg.3, paragraph 37, IRC protocol is an inherent feature, the system of Watkins enable client to perform chat or instant messaging).

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As regarding claim 3, Watkins discloses the command is in the form of a text string (pg.3, paragraph 37, chat is text messaging).

As regarding claim 4, Watkins discloses the command includes a preface, an identifier and an instruction for the management program (pg.6, paragraph 62-63).

As regarding claim 5, Watkins discloses the CSTM monitor is also configured to post a response from the management program to the CSTM server (pg.3, paragraph 37).

As regarding claim 7, Watkins discloses the CSTM server is configured to receive commands from an update server (pg.4, paragraph 48, sever farms).

As regarding claim 8, Watkins discloses the CSTM monitor is also configured to sense a problem in the computer system (pg.7, paragraph 68-70).

As regarding claim 10, the limitations are similar to claim 1, therefore rejected for the same rationale as claim 1.

As regarding claim 11, the limitations are similar to claim 3, therefore rejected for the same rationale as claim 3.

As regarding claim 12, the limitations are similar to claim 2, therefore rejected for the same rationale as claim 2.

As regarding claim 13, the limitations are similar to claim 8, therefore rejected for the same rationale as claim 8.

As regarding claim 14, the limitations are similar to claim 1, therefore rejected for the same rationale as claim 1.

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As regarding claim 15, the limitations are similar to claim 2, therefore rejected for the same rationale as claim 2.

As regarding claim 16, the limitations are similar to claim 3, therefore rejected for the same rationale as claim 3.

As regarding claim 17, the limitations are similar to claim 4, therefore rejected for the same rationale as claim 4.

As regarding claim 19, the limitations are similar to claim 8, therefore rejected for the same rationale as claim 8.

As regarding claim 20, the limitations are similar to claim 5, therefore rejected for the same rationale as claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins as applied to claim 1 above, and further in view of Fertell et al. us 2002/0032770 (hereinafter Fertell).

As regarding claim 6 Watkins discloses all the limitations of claim 1 above, but fails to disclose the CSTM server includes a log program configured to record CSTM server activities. Fertell teaches the CSTM server includes a log program configured to record CSTM server activities (pg.3-4, paragraph 40).

It is obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Fertell with the system of Watkins to have a log program to log server activities for the purpose of processing multiple requests (see Fertell page3-4, col.40).

As regarding claim 9, Fertell teaches the management program is idle until it receives a command (page 2, paragraph 24, standby mode).

It is obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Fertell with the system of Watkins to have the management program is idle until it receives a command for the purpose of conserving computer resources.

As regarding claim 18, the limitation is similar to claim 6, therefore rejected for the same rational as claim 6.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100